

Application No. 09/993,780  
Amendment "E" dated March 22, 2005  
Reply to Office Action mailed January 26, 2005

### REMARKS

Initially, Applicants would like to thank the Examiner for the courtesies extended during the recent interview held on March 17, 2005. The claim amendments made by this paper are consistent with the proposals discussed during the interview.

The latest Office Action mailed January 26, 2005, considered and rejected claims 3-8, 13-15, 27-30 and 37-64. Claims 3-8, 13-15, 27-30 and 37-63 were rejected under 35 U.S.C. § 102(b) as being anticipated by Woo (U.S. Patent No. 5,485,219), which was a reference cited and distinguished back on Amendment B. Claim 64 was also rejected under 35 U.S.C. § 103(a) as being unpatentable over Woo in view of Schein (U.S. Patent No. 6,388,714)<sup>1</sup>.

By this paper new dependent claims 65-69 have been added, while no claims have been amended or cancelled, such that claims 3-8, 13-15, 27-30 and 37-69 remain pending and of which claims 37, 44, 50 and 58 are the only independent claims at issue.

As reiterated during the interview, claims 37 and 58 are directed to a method and corresponding computer program product for enabling a server to control the recording of selected television programming. Claims 44 and 50 are directed to a similar method and corresponding computer program product, only recited from the perspective of the client interactive television system.

The recited method, in each of the claims, includes various acts in which a request from a client for a programming schedule is received at the server. In response to this request, the server provides the programming schedule to the client system. Thereafter, a new request from the client, based on a selection from the program schedule that is now displayed at the client, indicates a program to record. The server responds to this request by downloading recording instructions to the client system so that the client system is set up to record the selected program.

This unique combination of claim elements is neither anticipated by nor made obvious by Woo, for at least the reasons discussed during the interview. In fact, the pending claims were clearly distinguished from Woo during the interview, for at least the reasons articulated in the

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<sup>1</sup> Although the prior art status of the cited art is not being challenged at this time, Applicants reserve the right to challenge the prior art status of the cited art at any appropriate time, should it arise. Accordingly, any arguments and amendments made herein should not be construed as acquiescing to any prior art status of the cited art.

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**Interview Summary.** As further discussed during the interview, Woo clearly fails to consider or suggest the following:

*receiving at the server a request from the computing system for a programming schedule that identifies one or more television programs, the request being made at the computing system;*

*in response to the request, the server providing the programming schedule to the computing system;*

*receiving at the server an identification provided from the computing system of one or more television programs to be recorded, the one or more television programs to be recorded having been selected from a display of the programming schedule at the computing system; and*

*in response to the one or more television programs being identified for recording, the server, downloading recording instructions to the interactive television system so that the recording device will thereafter be set up to record the one or more selected television programs, wherein the recording instructions are downloaded from the server through at least one of a television signal and the internet.*

*Claims 37, 58 (emphasis added)*

*sending, from the computing system, a request to the server for a program schedule that identifies television programs that can be received by the interactive television system;*

*receiving, at the computing system, the program schedule from the server; displaying, at the computing system, the program schedule after it is received from the server;*

*receiving, at the computing system, a user selection of one or more television programs from the program schedule;*

*sending, from the computing system, a request to the remote server for the selected one or more television programs to be recorded;*

*receiving, at the interactive television system, and in response to the request for the one or more television programs to be recorded, recording instructions that will cause the recording device of the interactive television system to be set up to record the one or more selected television programs, wherein the recording instructions are received from the server through at least one of a television signal and the internet.*

*Claims 44, 50 (emphasis added)*

Woo also clearly fails to consider the fact that the program schedule is assessed through a web page of the server, as recited in claims 13, 51 and 64, for example. Woo also fails to consider that "prior to providing the programming schedule, user input is received at the web

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page identifying a television programming provider" (claim 66-supported by paragraph [0134]), particularly when considering the television programming is also based on one of a caller ID, area code and phone number of the user (claim 69-supported by paragraph [0024]). Woo also fails to suggest or disclose that access to the web page is accessible only after screening a user via a password (claim 67-supported by paragraph [0140]) and that the recording instructions are embedded in and received with the television programming. (claim 68-supported by paragraph [0068]).

The Examiner has suggested Schein teaches the general principal of using a web browser to access a program guide. However, Applicant respectfully submits that Schein, even when combined with Woo fails to teach the unique combination of claimed elements recited above. Furthermore, Applicants would also suggest there would be no motivation to one of ordinary skill in the art at the time of the invention to combine Schein with Woo inasmuch as Woo already provides an elaborate way to get the program guide to the user. It would make no sense, for example to do away with or replace this method with the method of Schein.

Accordingly, for at least the foregoing reasons, and the fact that the Examiner has agreed to withdraw the 102 rejections based on Woo, Applicant respectfully submits that the pending application overcomes the rejections of record, as suggested by the Interview Summary, and is, therefore, now in condition for prompt allowance.

In the event that the Examiner finds remaining impediment to a prompt allowance of this application that may be clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney.

Dated this 22 day of March, 2005.

Respectfully submitted,



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